

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

AFFINITY LABS OF TEXAS, LLC,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 9:08-CV-163
	§	
v.	§	JUDGE RON CLARK
	§	
DICE ELECTRONICS, LLC; JWIN	§	
ELECTRONICS CORPORATION;	§	
TOMTOM INC.; AND VAIS	§	
TECHNOLOGY, LTD.	§	
	§	
<i>Defendants.</i>	§	

ORDER OF DISMISSAL

Before the court is Plaintiff Affinity Labs of Texas, LLC and Defendant TomTom, Inc.'s Agreed Motion to Dismiss With Prejudice. The court is of the opinion that the motion should be granted.

IT IS THEREFORE ORDERED that Plaintiff Affinity Labs of Texas, LLC's claims against Defendant TomTom, Inc., and TomTom's counterclaims against Affinity Labs, in this suit are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that this dismissal with prejudice shall not include any claims relating to future patent infringement that may arise in the event of termination or non-renewal of the agreement entered into between Affinity Labs and TomTom (referred to as "Potential Future Claims"). These Potential Future Claims are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that all attorney's fees, costs of court, and expenses shall be borne by the party incurring the same. This is a final judgment.

So **ORDERED** and **SIGNED** this **6** day of **March, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge